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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT E. HAINES

Appeal 2009-012557
Application 09/738,795
Technology Center 2600

Before ALLEN R. MacDONALD, ROBERT E. NAPPI, and
MICHAEL R. ZECHER, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Introduction

Appellant appeals under 35 U.S.C. § 134 from a rejection of claims 1-32. We have jurisdiction under 35 U.S.C. § 6(b).

Appellant's Invention (Spec. 11-12)

Processing circuitry 44 controls operations of consumable management device 14 including processing of first messages regarding imaging consumables received within consumable management device 14 and formulation of one or more second message responsive thereto.

Exemplary first messages received within consumable management device 14 include a first designation identifying an imaging consumable used by the image forming device 10 to form hard images. The first designation is, in one example, a manufacturer part number for the imaging consumable requiring replenishment. For example, if an image forming device 10 comprising a printer runs low on toner, the first message includes a first designation comprising a manufacturer part number identifying the appropriate toner.

According to aspects of the present invention, processing circuitry 44 is configured to convert the first designation identifying the imaging consumable to a second designation identifying the imaging consumable. According to one described example, an exemplary second designation is a customer part number for the respective imaging consumable.

In an arrangement wherein image forming system 11 is provided within customer premises, the first designation may correspond to the manufacturer of components or devices within image forming system 11 and the second designation corresponds to identifiers used within an existing order system (or equivalent entity) used by the given customer owning the application or installed image forming system 11. The described first and second designations are exemplary and designations corresponding to other identifiers of imaging consumables are possible.

Exemplary Claim

Exemplary independent claim 1 under appeal reads as follows:

A consumable management device comprising:

an interface configured to receive a first message including a first designation identifying an imaging consumable used by an image forming device to form hard images; and

processing circuitry coupled with the interface, the processing circuitry being configured to convert the first designation identifying the imaging consumable to a second designation identifying the imaging consumable, to generate a second message including the second designation, and to forward the second message to the interface for communication to an entity for assisting with replenishment of the imaging consumable.

Rejections on Appeal

1. The Examiner rejected claims 1, 3-4, 7-9, 11, 13, 14, 16, 17, and 19-32 under 35 U.S.C. § 102(e) as being anticipated by Hayward (US 6,798,997 B1).

2. The Examiner rejected claims 2, 5, 6, 10, 12, 15, and 18 as being unpatentable under 35 U.S.C. § 103(a) over the combination of Hayward and Hogge (US 5,983,194).

Appellant's Contentions

Appellant contends that the Examiner erred in rejecting the claims under 35 U.S.C. §§ 102(e) and 103(a) for numerous reasons. Appellant presents over fifteen allegations of Examiner error in the rejections. Essentially, Appellant argues that: (a) the Examiner has erred in fact finding as to nearly every element of every claim, and (b) the Examiner has erred in every rationale for combining the applied references.

Issues on Appeal

Did the Examiner err in rejecting claims 1, 3-4, 7-9, 11, 13, 14, 16, 17, and 19-32 as being anticipated because Hayward fails to teach the claim limitations at issue?

Did the Examiner err in rejecting claims 2, 5, 6, 10, 12, 15, and 18 as being obvious because the references fail to teach or suggest the claim limitations at issue?

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellant's arguments that the Examiner has erred.

We disagree with Appellant's conclusions. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellant's Appeal Brief. We concur with the conclusions reached by the Examiner.

CONCLUSIONS

(1) The Examiner has not erred in rejecting claims 1, 3, 4, 7-9, 11, 13, 14, 16, 17, and 19-32 as being anticipated under 35 U.S.C. § 102(e).

(1) The Examiner has not erred in rejecting claims 2, 5, 6, 10, 12, 15, and 18 as being unpatentable under 35 U.S.C. § 103(a).

(2) Claims 1-32 are not patentable.

DECISION

The Examiner's rejections of claims 1-32 are affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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